

# **JOURNAL OF THE HOUSE**

## **EIGHTY-SEVENTH SESSION**

---

TWENTIETH DAY

---

STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, February 13, 2012

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Dodie Noordermeer, followed by the Pledge of Allegiance led by House pages Rachel Howard and Jordyn Jones.

Roll Call: All members present except Rep. Nelson who was excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the nineteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Val Rausch, Chair

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Appropriations respectfully reports that it has had under consideration HB 1136 and 1137 and SB 4, 9, 36, 38, and 45 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Appropriations respectfully reports that it has had under consideration HB 1242, which was reconsidered, and returns the same with the recommendation that said bill be amended as follows:

1242mc

On page 1 of the printed bill, delete lines 4 to 14, inclusive.

On page 2, delete lines 1 to 13, inclusive, and insert:

" Section 1. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as follows:

### BUREAU OF FINANCE AND MANAGEMENT

#### (8A) SD Ellsworth Development Authority

Personal Services	\$0	\$0	\$0	\$0
Operating Expenses	\$1	\$0	\$0	\$1
Total	\$1	\$0	\$0	\$1
F.T.E.				0.0"

On page 2, line 15, delete "Bureau of Finance and Management" and insert "Governor's Office of Economic Development".

On page 2, delete lines 17 to 19, inclusive.

1242mtb

On page 1, line 1, of the printed bill, after "2012" insert ".".

On page 1, delete line 2.

And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Appropriations respectfully reports that it has had under consideration  
3 HB 1206, which was reconsidered, and returns the same with the recommendation that said bill  
4 be amended as follows:

5 1206ua

6 On page 1, line 4, of the printed bill, delete "money" and insert "general funds".

7 And that as so amended said bill do NOT pass.

8 Respectfully submitted,  
9 Dean Wink, Chair

10 Also MR. SPEAKER:

11 The Committee on State Affairs respectfully reports that it has had under consideration  
12 HB 1220 and returns the same with the recommendation that said bill do pass.

13 Also MR. SPEAKER:

14 The Committee on State Affairs respectfully reports that it has had under consideration  
15 HB 1271 which was tabled.

16 Also MR. SPEAKER:

17 The Committee on State Affairs respectfully reports that it has had under consideration  
18 HB 1165, 1167, and 1169 which were deferred to the 41<sup>st</sup> Legislative Day.

19 Respectfully submitted,  
20 David Lust, Chair

21 Also MR. SPEAKER:

22 The Committee on Commerce and Energy respectfully reports that it has had under  
23 consideration SB 35 and 99 and returns the same with the recommendation that said bills do  
24 pass.

1 Also MR. SPEAKER:

2 The Committee on Commerce and Energy respectfully reports that it has had under  
3 consideration SB 50 and returns the same with the recommendation that said bill do pass and  
4 be placed on the consent calendar.

5 Respectfully submitted,  
6 Roger D. Solum, Chair

7 **MESSAGES FROM THE SENATE**

8 MR. SPEAKER:

9 I have the honor to return herewith HCR 1007 in which the Senate has concurred.

10 Also MR. SPEAKER:

11 I have the honor to transmit herewith SB 84, 90, 112, 116, 145, 174, 175, 194, and 196  
12 which have passed the Senate and your favorable consideration is respectfully requested.

13 Also MR. SPEAKER:

14 I have the honor to transmit herewith SCR 5 which has been adopted by the Senate and  
15 your concurrence is respectfully requested.

16 Respectfully,  
17 Fee Jacobsen, Secretary

18 **MOTIONS AND RESOLUTIONS**

19 HCR 1008: A CONCURRENT RESOLUTION, Recognizing the week of June 25 through  
20 June 29, 2012, as Ag Week in South Dakota.

21 Rep. Perry moved that HCR 1008 as found on pages 410 and 411 of the House Journal be  
22 adopted.

23 The question being on Rep. Perry's motion that HCR 1008 be adopted.

24 And the roll being called:

25 Yeas 68, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
3 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
5 Killer; Kirkeby; Kirschman; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman;  
6 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;  
7 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;  
8 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Excused:

10 Kloucek; Nelson (Stace)

11 So the motion having received an affirmative vote of a majority of the members-elect, the  
12 Speaker declared the motion carried and HCR 1008 was adopted.

13 SCR 4: A CONCURRENT RESOLUTION, Supporting the concept and further  
14 development of South Dakota First, an initiative for success and development.

15 Rep. Munsterman moved that SCR 4 as found on pages 317 and 318 of the Senate Journal  
16 be concurred in.

17 The question being on Rep. Munsterman's motion that SCR 4 be concurred in.

18 And the roll being called:

19 Yeas 69, Nays 0, Excused 1, Absent 0

20 Yeas:

21 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
22 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
23 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
24 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
25 Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;  
26 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;  
27 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker  
28 Rausch

29 Excused:

30 Nelson (Stace)

31 So the motion having received an affirmative vote of a majority of the members-elect, the  
32 Speaker declared the motion carried and SCR 4 was concurred in.

1 SCR 5: A CONCURRENT RESOLUTION, Supporting and encouraging a 2012 interim  
2 study and thorough review of drainage laws in South Dakota.

3 Was read the first time and the Speaker waived the committee referral.

4 Rep. Stricherz moved that the Committee on Judiciary be instructed to deliver HB 1217  
5 to the floor of the House, pursuant to Joint Rule 7-7.

6 Which motion lost.

7 Rep. Russell moved that the Committee on State Affairs be instructed to deliver HB 1169  
8 to the floor of the House, pursuant to Joint Rule 7-7.

9 A roll call vote was requested and supported.

10 The question being on Rep. Russell's motion that the Committee on State Affairs be  
11 instructed to deliver HB 1169 to the floor of the House, pursuant to Joint Rule 7-7.

12 And the roll being called:

13 Yeas 25, Nays 43, Excused 2, Absent 0

14 Yeas:

15 Dennert; Elliott; Feickert; Greenfield; Hickey; Hubbel; Iron Cloud III; Jensen; Jones; Killer;  
16 Kirschman; Kloucek; Kopp; Liss; Lucas; Olson (Betty); Russell; Schaefer; Schrempp;  
17 Sigdestad; Steele; Stricherz; Tornow; Venner; Verchio

18 Nays:

19 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden;  
20 Fargen; Feinstein; Gibson; Gosch; Haggar; Hansen (Jon); Hawley; Hoffman; Hunhoff (Bernie);  
21 Hunt; Kirkeby; Lust; Miller; Moser; Munsterman; Novstrup (David); Perry; Romkema; Rozum;  
22 Scott; Sly; Solum; Street; Tulson; Turbiville; Van Gerpen; Vanneman; White; Wick; Willadsen;  
23 Wink; Wismer; Speaker Rausch

24 Excused:

25 Magstadt; Nelson (Stace)

26 So the motion having received an affirmative vote of a one-third majority of the members-  
27 elect, the Speaker declared the motion was supported and the committee was so instructed.

1 Rep. Lust moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on  
2 Tuesday, February 14, the 21<sup>st</sup> legislative day.

3 Which motion prevailed.

4 **CONSIDERATION OF REPORTS OF COMMITTEES**

5 Rep. Lust moved that the reports of the Standing Committees on  
6 Appropriations on HB 1270 as found on page 404 of the House Journal; also  
7 Judiciary on HB 1185 as found on pages 404 and 405 of the House Journal; also  
8 Judiciary on HB 1219 as found on page 405 of the House Journal; also  
9 Appropriations on HB 1164 as found on page 406 of the House Journal; also  
10 Appropriations on HB 1199 as found on page 407 of the House Journal; also  
11 Appropriations on HB 1228 as found on page 407 of the House Journal; also  
12 Education on HB 1189 as found on pages 407 and 408 of the House Journal; also  
13 Judiciary on HB 1193 as found on pages 421 and 422 of the House Journal; also  
14 Judiciary on HB 1253 as found on page 422 of the House Journal be adopted.

15 Which motion prevailed.

16 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

17 SB 84: FOR AN ACT ENTITLED, An Act to allow for the reimbursement of travel  
18 expenses during the recruitment of certain professional staff.

19 Was read the first time and referred to the Committee on Appropriations.

20 SB 90: FOR AN ACT ENTITLED, An Act to establish a fee for payments returned to the  
21 Office of the Secretary of State due to insufficient funds and to provide for the distribution of  
22 the fee.

23 Was read the first time and referred to the Committee on Appropriations.

1 SB 112: FOR AN ACT ENTITLED, An Act to remove the limitation on the number of  
2 retail gaming licenses in Deadwood in which a person may have a financial interest.

3 Was read the first time and referred to the Committee on Commerce and Energy.

4 SB 116: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the  
5 township road system.

6 Was read the first time and referred to the Committee on Transportation.

7 SB 145: FOR AN ACT ENTITLED, An Act to prohibit rebates and regulate contracts for  
8 residential roofing goods and services.

9 Was read the first time and referred to the Committee on Commerce and Energy.

10 SB 174: FOR AN ACT ENTITLED, An Act to increase the 911 emergency surcharge, to  
11 revise the collection and distribution of the surcharge revenue, to provide for point of sale  
12 collection of the prepaid wireless 911 emergency surcharge, and to provide funding for the  
13 upgrade of 911 emergency services.

14 Was read the first time and referred to the Committee on State Affairs.

15 SB 175: FOR AN ACT ENTITLED, An Act to increase the number of video lottery  
16 machines that may be placed in a licensed establishment.

17 Was read the first time and referred to the Committee on State Affairs.

18 SB 194: FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds  
19 for elderly persons and persons with a disability, to revise the income eligibility requirements  
20 for property tax and sales tax refunds, and to declare an emergency.

21 Was read the first time and referred to the Committee on Appropriations.

22 SB 196: FOR AN ACT ENTITLED, An Act to allow for the redistribution of existing  
23 nursing facility beds.

24 Was read the first time and referred to the Committee on Health and Human Services.



1 **SECOND READING OF CONSENT CALENDAR ITEMS**

2 SB 32: FOR AN ACT ENTITLED, An Act to revise the suitability requirements for  
3 annuities.

4 Was read the second time.

5 Rep. Hunhoff requested that SB 32 be removed from the Consent Calendar.

6 Which request was granted.

7 SB 33: FOR AN ACT ENTITLED, An Act to revise the exemptions for insurance agent  
8 examinations.

9 Was read the second time.

10 The question being "Shall SB 33 pass as amended?"

11 And the roll being called:

12 Yeas 69, Nays 0, Excused 1, Absent 0

13 Yeas:

14 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
15 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
16 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
17 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
18 Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;  
19 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;  
20 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker  
21 Rausch

22 Excused:

23 Nelson (Stace)

24 So the bill having received an affirmative vote of a majority of the members-elect, the  
25 Speaker declared the bill passed and the title was agreed to.

26 SB 34: FOR AN ACT ENTITLED, An Act to revise certain provisions and delete certain  
27 obsolete provisions pertaining to the Department of Labor and Regulation.

28 Was read the second time.

1 The question being "Shall SB 34 pass?"

2 And the roll being called:

3 Yeas 69, Nays 0, Excused 1, Absent 0

4 Yeas:

5 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
6 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
7 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
8 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
9 Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;  
10 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;  
11 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker  
12 Rausch

13 Excused:

14 Nelson (Stace)

15 So the bill having received an affirmative vote of a majority of the members-elect, the  
16 Speaker declared the bill passed and the title was agreed to.

17 SB 51: FOR AN ACT ENTITLED, An Act to eliminate an obsolete reference to the  
18 Division of Commercial Inspection and Regulation.

19 Was read the second time.

20 The question being "Shall SB 51 pass?"

21 And the roll being called:

22 Yeas 69, Nays 0, Excused 1, Absent 0

23 Yeas:

24 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
25 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
26 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
27 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
28 Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;  
29 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;  
30 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker  
31 Rausch

32 Excused:

33 Nelson (Stace)

1 So the bill having received an affirmative vote of a majority of the members-elect, the  
2 Speaker declared the bill passed and the title was agreed to.

3 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

4 HB 1122: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the  
5 vacation, change, or location of highways.

6 Was read the second time.

7 The question being "Shall HB 1122 pass?"

8 And the roll being called:

9 Yeas 67, Nays 2, Excused 1, Absent 0

10 Yeas:

11 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
12 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hawley;  
13 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;  
14 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman;  
15 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;  
16 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van Gerpen;  
17 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

18 Nays:

19 Hansen (Jon); Tornow

20 Excused:

21 Nelson (Stace)

22 So the bill having received an affirmative vote of a majority of the members-elect, the  
23 Speaker declared the bill passed and the title was agreed to.

24 HB 1230: FOR AN ACT ENTITLED, An Act to modify the publication requirements  
25 regarding the application for a well driller license or a well pump installer license.

26 Was read the second time.

27 Rep. Lust moved that HB 1230 be deferred to Tuesday, February 14, the 21<sup>st</sup> legislative  
28 day.

29 Which motion prevailed.

1 HB 1247: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
2 voting rights of persons convicted of a felony or serving time in the state penitentiary.

3 Was read the second time.

4 The question being "Shall HB 1247 pass?"

5 And the roll being called:

6 Yeas 51, Nays 18, Excused 1, Absent 0

7 Yeas:

8 Abdallah; Blake; Bolin; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Gibson; Gosch;  
9 Greenfield; Hagggar; Hansen (Jon); Hawley; Hickey; Hoffman; Hubbel; Hunt; Jensen; Jones;  
10 Kirkeby; Kopp; Liss; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson (Betty);  
11 Perry; Romkema; Rozum; Russell; Schaefer; Scott; Sly; Solum; Steele; Stricherz; Tornow;  
12 Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; Wick; Willadsen; Wink; Speaker  
13 Rausch

14 Nays:

15 Boomgarden; Dennert; Elliott; Fargen; Feickert; Feinstein; Hunhoff (Bernie); Iron Cloud III;  
16 Killer; Kirschman; Kloucek; Lucas; Lust; Schrempp; Sigdestad; Street; White; Wismer

17 Excused:

18 Nelson (Stace)

19 So the bill having received an affirmative vote of a majority of the members-elect, the  
20 Speaker declared the bill passed and the title was agreed to.

21 HB 1254: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the  
22 decision of a pregnant mother considering termination of her relationship with her child by an  
23 abortion, to establish certain procedures to insure that such decisions are voluntary, uncoerced,  
24 and informed, and to revise certain causes of action for professional negligence relating to  
25 performance of an abortion.

26 Was read the second time.

27 1254rc

28 Rep. Gibson moved that HB 1254 be amended as follows:

29 On page 3, line 17, of the House Judiciary Committee engrossed bill, after "will" insert ".  
30 Coercion also exists if the pregnant mother is induced to refrain from an abortion by any other  
31 person under circumstances, or in such a manner, which deprives her from making a free  
32 decision or exercising her free will".

33 Which motion lost.

1 The question being "Shall HB 1254 pass as amended?"

2 And the roll being called:

3 Yeas 56, Nays 12, Excused 2, Absent 0

4 Yeas:

5 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Feickert;  
6 Gosch; Greenfield; Haggard; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt;  
7 Iron Cloud III; Jensen; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lust; Magstadt; Miller;  
8 Moser; Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell;  
9 Schaefer; Schrempp; Scott; Sly; Solum; Steele; Stricherz; Tornow; Tulson; Turbiville; Van  
10 Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Speaker Rausch

11 Nays:

12 Blake; Elliott; Fargen; Feinstein; Gibson; Hawley; Jones; Killer; Lucas; Sigdestad; Street;  
13 Wismer

14 Excused:

15 Dennert; Nelson (Stace)

16 So the bill having received an affirmative vote of a majority of the members-elect, the  
17 Speaker declared the bill passed and the title was agreed to.

18 HB 1234: FOR AN ACT ENTITLED, An Act to provide for rewards for the best teachers  
19 and those teaching in math and science subject areas, to revise certain provisions regarding  
20 evaluation of teachers, to create a system for evaluating principals, to distinguish between  
21 tenured and nontenured teachers, to revise certain provisions regarding the employment of  
22 teachers, and to repeal provisions regarding the teacher compensation assistance program.

23 Was read the second time.

24 1234ci

25 Rep. Dryden moved that HB 1234 be amended as follows:

26 On page 18, line 10, of the House Education Committee engrossed bill, delete "or  
27 nontenured".

28 On page 18, line 13, delete "for any tenured teacher".

29 On page 18, line 14, remove the overstrikes from "~~before the school board~~".

30 On page 18, line 17, delete "contract with the Office of Hearing Examiners pursuant to §  
31 1-26D-11 to".

1 On page 18, line 19, delete "The".

2 On page 18, delete lines 20 to 24, inclusive.

3 On page 19, delete line 1.

4 On page 19, line 6, remove the overstrikes from "~~further process or~~".

5 Which motion prevailed.

6 1234ma

7 Rep. Hunhoff moved that HB 1234 be further amended as follows:

8 On the House Education Committee engrossed bill, delete everything after the enacting  
9 clause and insert:

10 " Section 1. The legislature hereby establishes a goal to develop the best elementary and  
11 secondary education in the United States, and the effort shall begin with a major task force of  
12 the legislature in the summer of 2012 with 15 lawmakers to be selected by the executive board.  
13 The task force shall welcome advice and assistance from the teachers, school administrators,  
14 school board members, the Department of Education, the business community and all other  
15 stakeholders and interested parties. The goal should emphasize but not be limited to the topics  
16 of encouraging creativity through local control, furthering teamwork and collaboration in the  
17 schools, and providing adequate funding for the base formula."

18 A roll call vote was requested and supported.

19 The question being on Rep. Hunhoff's motion that HB 1234 be amended.

20 And the roll being called:

21 Yeas 20, Nays 49, Excused 1, Absent 0

22 Yeas:

23 Blake; Bolin; Dennert; Elliott; Fargen; Feickert; Gibson; Hawley; Hunhoff (Bernie); Iron Cloud  
24 III; Jones; Killer; Kirschman; Kloucek; Lucas; Russell; Schrempp; Sigdestad; Street; Wismer

25 Nays:

26 Abdallah; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Feinstein; Gosch;  
27 Greenfield; Haggar; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Jensen; Kirkeby; Kopp;  
28 Liss; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson (Betty); Perry;  
29 Romkema; Rozum; Schaefer; Scott; Sly; Solum; Steele; Stricherz; Tornow; Tulson; Turbiville;  
30 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Speaker Rausch

1       Excused:  
2       Nelson (Stace)

3       So the motion not having received an affirmative vote of a majority of the members  
4       present, the Speaker declared the motion lost.

5       Rep. Cronin moved the previous question.

6       Which motion prevailed.

7       The question being "Shall HB 1234 pass as amended?"

8       And the roll being called:

9       Yeas 41, Nays 28, Excused 1, Absent 0

10       Yeas:  
11       Abdallah; Boomgarden; Brunner; Carson; Conzet; Cronin; Dryden; Gosch; Greenfield; Haggar;  
12       Hansen (Jon); Hickey; Hoffman; Hunt; Jensen; Kirkeby; Lust; Magstadt; Miller; Moser;  
13       Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Scott; Sly; Solum;  
14       Steele; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen;  
15       Wink; Speaker Rausch

16       Nays:  
17       Blake; Bolin; Deelstra; Dennert; Elliott; Fargen; Feickert; Feinstein; Gibson; Hawley; Hubbel;  
18       Hunhoff (Bernie); Iron Cloud III; Jones; Killer; Kirschman; Kloucek; Kopp; Liss; Lucas;  
19       Russell; Schaefer; Schrempp; Sigdestad; Street; Stricherz; Tornow; Wismer

20       Excused:  
21       Nelson (Stace)

22       So the bill having received an affirmative vote of a majority of the members-elect, the  
23       Speaker declared the bill passed and the title was agreed to.

24       HB 1080: FOR AN ACT ENTITLED, An Act to waive certain licensure requirements to  
25       hunt fox and coyote with firearms.

26       Was read the second time.

27       The question being "Shall HB 1080 pass as amended?"

28       And the roll being called:

29       Yeas 20, Nays 49, Excused 1, Absent 0

1 Yeas:

2 Brunner; Conzet; Gosch; Greenfield; Haggard; Hansen (Jon); Hubbel; Hunhoff (Bernie); Hunt;  
3 Jensen; Kopp; Liss; Olson (Betty); Russell; Schrempp; Steele; Tornow; Van Gerpen; Venner;  
4 Wink

5 Nays:

6 Abdallah; Blake; Bolin; Boomgarden; Carson; Cronin; Deelstra; Dennert; Dryden; Elliott;  
7 Fargen; Feickert; Feinstein; Gibson; Hawley; Hickey; Hoffman; Iron Cloud III; Jones; Killer;  
8 Kirkeby; Kirschman; Kloucek; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup  
9 (David); Perry; Romkema; Rozum; Schaefer; Scott; Sigdestad; Sly; Solum; Street; Stricherz;  
10 Tulson; Turbiville; Vanneman; Verchio; White; Wick; Willadsen; Wismer; Speaker Rausch

11 Excused:

12 Nelson (Stace)

13 So the bill not having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the bill lost.

15 HB 1209: FOR AN ACT ENTITLED, An Act to exempt certain parts and components  
16 used in the construction of homebuilt aircraft from sales and use taxes.

17 Was read the second time.

18 Rep. Cronin moved the previous question.

19 Which motion prevailed.

20 The question being "Shall HB 1209 pass as amended?"

21 And the roll being called:

22 Yeas 45, Nays 23, Excused 2, Absent 0

23 Yeas:

24 Blake; Bolin; Brunner; Deelstra; Dennert; Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson;  
25 Gosch; Greenfield; Haggard; Hansen (Jon); Hawley; Hubbel; Hunhoff (Bernie); Iron Cloud III;  
26 Jensen; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Magstadt; Miller; Moser; Munsterman;  
27 Olson (Betty); Romkema; Rozum; Schrempp; Sigdestad; Sly; Solum; Stricherz; Tornow;  
28 Tulson; Turbiville; Van Gerpen; Vanneman; Venner; White; Wick

29 Nays:

30 Abdallah; Boomgarden; Carson; Conzet; Cronin; Hickey; Hoffman; Jones; Liss; Lucas; Lust;  
31 Novstrup (David); Perry; Russell; Schaefer; Scott; Steele; Street; Verchio; Willadsen; Wink;  
32 Wismer; Speaker Rausch



1       Excused:  
2       Hunt; Nelson (Stace)

3 So the bill having received an affirmative vote of a majority of the members-elect, the  
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1111: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
6 use of eminent domain by certain nongovernmental entities.

7 Was read the second time.

8 1111of

9 Rep. Verchio moved that HB 1111 be amended as follows:

10       On page 4, line 8, of the House Transportation Committee engrossed bill, delete "ninety"  
11       and insert "fifty-one".

12 On page 4, line 8, after "land" insert "in South Dakota or with fifty-one percent of the  
13 landowners controlling the requisite land in South Dakota".

14 Which motion prevailed.

15 1111ta

16 Rep. Liss moved that HB 1111 be further amended as follows:

17 On page 4, line 17, of the House Transportation Committee engrossed bill, delete "three"  
18 and insert "five".

19 Which motion prevailed.

20 1111fc

21 Rep. Willadsen moved that HB 1111 be further amended as follows:

On page 1, line 8, of the House Transportation Committee engrossed bill, delete everything after "Condemnor," and insert "any person, entity, or any governmental agency, unit, or instrumentality that".

25 On page 1, delete line 9.

26 On page 1, line 10, delete "in acquiring right-of-way".

1 On page 1, line 13, delete "pipeline or railroad".

2 On page 1, line 14, delete "railroad".

3 On page 2, line 1, delete "or pipeline" and insert "proposed project".

4 On page 2, line 2, delete "pipeline" and insert "proposed project".

5 A roll call vote was requested and not supported.

6 Rep. Willadsen's motion lost.

7 The question being "Shall HB 1111 pass as amended?"

8 And the roll being called:

9 Yeas 30, Nays 39, Excused 1, Absent 0

10 Yeas:

11 Brunner; Elliott; Fargen; Hansen (Jon); Hickey; Hubbel; Hunhoff (Bernie); Iron Cloud III;  
12 Jones; Killer; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Miller; Olson (Betty); Russell;  
13 Schaefer; Schrempp; Sigdestad; Sly; Steele; Stricherz; Van Gerpen; Venner; Verchio; Wink;  
14 Wismer

15 Nays:

16 Abdallah; Blake; Bolin; Boomgarden; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;  
17 Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hawley; Hoffman; Hunt; Jensen;  
18 Kirkeby; Magstadt; Moser; Munsterman; Novstrup (David); Perry; Romkema; Rozum; Scott;  
19 Solum; Street; Tornow; Tulson; Turbiville; Vanneman; White; Wick; Willadsen; Speaker  
20 Rausch

21 Excused:

22 Nelson (Stace)

23 So the bill not having received an affirmative vote of a majority of the members-elect, the  
24 Speaker declared the bill lost.

25 Rep. Verchio announced his intention to reconsider the vote by which HB 1111 lost.

26 HB 1179: FOR AN ACT ENTITLED, An Act to require certain campaign finance  
27 requirements to apply to all counties and municipalities.

28 Was read the second time.

1 The question being "Shall HB 1179 pass as amended?"

2 And the roll being called:

3 Yeas 68, Nays 1, Excused 1, Absent 0

4 Yeas:

5 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
6 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
7 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
8 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
9 Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Russell; Schaefer; Schrempp;  
10 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;  
11 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

12 Nays:

13 Rozum

14 Excused:

15 Nelson (Stace)

16 So the bill having received an affirmative vote of a majority of the members-elect, the  
17 Speaker declared the bill passed and the title was agreed to.

18 HB 1248: FOR AN ACT ENTITLED, An Act to provide for exceptions from certain  
19 misdemeanor offenses relating to possession of handguns.

20 Was read the second time.

21 1248rc

22 Rep. Kopp moved that HB 1248 be amended as follows:

23 On page 1, line 5, of the printed bill, delete "with a valid South Dakota driver license".

24 A roll call vote was requested and not supported.

25 Rep. Kopp's motion lost.

26 The question being "Shall HB 1248 pass?"

27 And the roll being called:

1 Yeas 50, Nays 18, Excused 2, Absent 0

2 Yeas:

3 Abdallah; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Elliott; Gosch; Greenfield;  
4 Haggar; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Iron Cloud III; Jensen; Killer; Kirkeby;  
5 Kloucek; Kopp; Liss; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson  
6 (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Solum;  
7 Steele; Stricherz; Tornow; Tulson; Van Gerpen; Vanneman; Venner; Verchio; Wick; Wink;  
8 Speaker Rausch

9 Nays:

10 Blake; Bolin; Dennert; Dryden; Fargen; Feickert; Feinstein; Hawley; Hunhoff (Bernie); Jones;  
11 Kirschman; Lucas; Sly; Street; Turbiville; White; Willadsen; Wismer

12 Excused:

13 Gibson; Nelson (Stace)

14 So the bill having received an affirmative vote of a majority of the members-elect, the  
15 Speaker declared the bill passed and the title was agreed to.

16 Speaker Pro tempore Gosch now presiding.

17 HB 1269: FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs  
18 related to disasters and to pine beetle suppression and to declare an emergency.

19 Was read the second time.

20 The question being "Shall HB 1269 pass?"

21 And the roll being called:

22 Yeas 65, Nays 1, Excused 4, Absent 0

23 Yeas:

24 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;  
25 Elliott; Fargen; Feickert; Feinstein; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;  
26 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;  
27 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup  
28 (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott;  
29 Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van Gerpen; Vanneman;  
30 Venner; Verchio; White; Wick; Willadsen; Wink; Wismer

31 Nays:

32 Tornow

1       Excused:  
2   Abdallah; Gibson; Nelson (Stace); Speaker Rausch

3       So the bill having received an affirmative vote of a two-thirds majority of the members-  
4   elect, the Speaker declared the bill passed and the title was agreed to.

5       HJR 1006: A JOINT RESOLUTION, Proposing and submitting to the electors at the next  
6   general election an amendment to Article XIII, sections 20 and 21 of the Constitution of the  
7   State of South Dakota, relating to the trust fund created from the proceeds of the state cement  
8   enterprise sales.

9       Was read the second time.

10      The question being "Shall HJR 1006 pass?"

11      And the roll being called:

12      Yeas 64, Nays 3, Excused 3, Absent 0

13      Yeas:  
14   Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;  
15   Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;  
16   Hickey; Hoffman; Hubbel; Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman;  
17   Kopp; Liss; Lust; Magstadt; Moser; Munsterman; Novstrup (David); Olson (Betty); Perry;  
18   Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street;  
19   Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick;  
20   Willadsen; Wink; Wismer; Speaker Rausch

21      Nays:  
22   Hunhoff (Bernie); Kloucek; Lucas

23      Excused:  
24   Abdallah; Miller; Nelson (Stace)

25      So the resolution having received an affirmative vote of a majority of the members-elect,  
26   the Speaker declared the resolution passed and the title was agreed to.

27      HB 1160: FOR AN ACT ENTITLED, An Act to provide for the award of filing fees as  
28   court costs in certain appeals.

29      Was read the second time.

30      The question being "Shall HB 1160 pass?"

31      And the roll being called:

1 Yeas 62, Nays 5, Excused 3, Absent 0

2 Yeas:

3 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;  
4 Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;  
5 Hickey; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;  
6 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Moser; Munsterman; Novstrup  
7 (David); Olson (Betty); Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly;  
8 Solum; Steele; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; White;  
9 Wick; Willadsen; Wink; Speaker Rausch

10 Nays:

11 Hoffman; Perry; Street; Verchio; Wismer

12 Excused:

13 Abdallah; Miller; Nelson (Stace)

14 So the bill having received an affirmative vote of a majority of the members-elect, the  
15 Speaker declared the bill passed and the title was agreed to.

16 HB 1246: FOR AN ACT ENTITLED, An Act to prohibit the use of bisphenol A in certain  
17 products.

18 Was read the second time.

19 The question being "Shall HB 1246 pass as amended?"

20 And the roll being called:

21 Yeas 40, Nays 27, Excused 3, Absent 0

22 Yeas:

23 Blake; Bolin; Deelstra; Dennert; Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Haggar;  
24 Hansen (Jon); Hawley; Hickey; Hubbel; Hunhoff (Bernie); Iron Cloud III; Jensen; Jones; Killer;  
25 Kirkeby; Kirschman; Kloucek; Lucas; Lust; Magstadt; Munsterman; Romkema; Schaefer;  
26 Schrempp; Scott; Sigdestad; Sly; Steele; Street; Stricherz; Van Gerpen; Venner; White; Wismer

27 Nays:

28 Boomgarden; Brunner; Carson; Conzet; Cronin; Gosch; Greenfield; Hoffman; Hunt; Kopp;  
29 Liss; Moser; Novstrup (David); Olson (Betty); Perry; Rozum; Russell; Solum; Tornow; Tulson;  
30 Turbiville; Vanneman; Verchio; Wick; Willadsen; Wink; Speaker Rausch

31 Excused:

32 Abdallah; Miller; Nelson (Stace)

33 So the bill having received an affirmative vote of a majority of the members-elect, the  
34 Speaker declared the bill passed and the title was agreed to.



1 1126rta

2 On page 1, line 1, of the printed bill, delete "a bond" and insert "certain bonds".

3 On page 1, line 2, delete "a defendant in a criminal case" and insert "certain persons with  
4 child support arrearages".

5 And that as so amended said bill do pass.

6 Also MR. SPEAKER:

7 The Committee on Judiciary respectfully reports that it has had under consideration  
8 HB 1255 and returns the same with the recommendation that said bill be amended as follows:

9 1255rd

10 On the printed bill, delete everything after the enacting clause and insert:

11 " Section 1. A surrogacy agreement is void and unenforceable as against public policy.  
12 No surrogacy agreement is enforceable."

13 And that as so amended said bill do pass.

14 Also MR. SPEAKER:

15 The Committee on Judiciary respectfully reports that it has had under consideration  
16 HB 1266 and returns the same with the recommendation that said bill be amended as follows:

17 1266ra

18 On page 1, line 5, of the printed bill, after "fraud," insert "or any case controlled by the  
19 Indian Child Welfare Act, (25 U.S.C. §§ 1901 to 1963, inclusive), as amended to January 1,  
20 2012".

21 On page 1, line 9, after "finalized" insert "unless a two year statute of limitations is  
22 imposed by the Indian Child Welfare Act, (25 U.S.C. §§ 1901 to 1963, inclusive), as amended  
23 to January 1, 2012".

24 And that as so amended said bill do pass.

25 Also MR. SPEAKER:

26 The Committee on Judiciary respectfully reports that it has had under consideration  
27 HB 1273 and returns the same with the recommendation that said bill be amended as follows:



1 1273jb

2 On page 1, line 6, of the printed bill, delete "more than one ounce" and insert "one quarter  
3 of a gram or more".

4 On page 2, after line 17, insert:

5 " Section 8. For purposes of this Act, loose leaf incense includes loose potpourri, loose herbal  
6 incense, herbal smoking blends, or similar dried, leafy substances sold or marketed, directly or  
7 indirectly, as a relaxation, smoking, or herbal enhancement product. Herbal dietary supplements  
8 or remedies and United States Food and Drug Administration approved herbal teas or products  
9 are not included as loose leaf incense under this Act.

10 Section 9. A retailer shall ensure that each package of loose leaf incense sold is labeled with  
11 each ingredient present in the product, including all chemicals and additives."

12 1273rta

13 On page 1, line 2, of the printed bill, delete "and".

14 On page 1, line 3, after "therefor" insert ", and to declare an emergency".

15 1273ra

16 On the previously adopted amendment (1273jb), after "additives." insert:

17 " Section 10. Whereas, this Act is necessary for the immediate preservation of the public  
18 peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full  
19 force and effect from and after its passage and approval."

20 And that as so amended said bill do pass.

21 Also MR. SPEAKER:

22 The Committee on Judiciary respectfully reports that it has had under consideration  
23 HB 1267 which was tabled.

24 Respectfully submitted,  
25 Roger W. Hunt, Chair

1 Also MR. SPEAKER:

2 The Committee on State Affairs respectfully reports that it has had under consideration  
3 HB 1169, which was reconsidered, and returns the same with the recommendation that said bill  
4 do NOT pass.

5 Respectfully submitted,  
6 David Lust, Chair

7 Also MR. SPEAKER:

8 The Committee on Legislative Procedure respectfully reports that HB 1069 was delivered  
9 to his Excellency, the Governor, for his approval at 8:45 a.m., February 13, 2012.

10 Also MR. SPEAKER:

11 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
12 and Enrolling has carefully compared HB 1154 and finds the same correctly enrolled.

13 Respectfully submitted,  
14 Val Rausch, Chair

15 Speaker Rausch now presiding.

16 **SIGNING OF BILLS**

17 The Speaker publicly read the title to

18 HB 1154: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the  
19 construction of roads outside the road district.

20 SB 7: FOR AN ACT ENTITLED, An Act to repeal certain provisions allowing for the  
21 certification of technology parks and to allow public or private developers to apply for  
22 certification.

23 And signed the same in the presence of the House.

**COMMEMORATIONS**

HC 1019 Introduced by: Representatives Scott, Abdallah, Bolin, Carson, Conzet, Cronin, Deelstra, Dryden, Haggar, Kloucek, Moser, Romkema, Schaefer, Solum, Stricherz, Van Gerpen, Vanneman, White, Willadsen, and Wink and Senators Juhnke and Putnam

A LEGISLATIVE COMMEMORATION, Recognizing and remembering the Homestead Act.

WHEREAS, four pages that make up the Homestead Act of 1862 will be on display at Homestead National Monument; and

WHEREAS, the Homestead Act of 1862 is considered one of the most one hundred important documents in the National Archives; and

WHEREAS, this document influenced the course of United States history by shaping South Dakota landscape, history, and culture for future generations; and

WHEREAS, America gave away two hundred and seventy million acres to four million people; and

WHEREAS, today it is estimated that as many as 93 million Americans are descendants of homesteaders:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of the State of South Dakota, that the Homestead Act of 1862, that changed South Dakota forever, be held in a place of honor.

Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at 6:39 p.m. the House adjourned.

Karen Gerdes, Chief Clerk